IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,	)	**No. 27149-8-III**
Respondent,	)	
	)	**Division Three**
v.	)	
RYAN MICHAEL SNOW,	)	
	)	**UNPUBLISHED OPINION**
Appellant.	)	

Sweeney, J. – The defendant challenges his first degree murder conviction and the rejection of his insanity defense. Unchallenged findings are verities on appeal. *State v. Madarash*, 116 Wn. App. 500, 509, 66 P.3d 682 (2003). And the defendant challenges neither the findings nor the conclusions that support his conviction. We conclude that even if he did, the State produced enough evidence to support the court's finding that the defendant understood the nature, quality, and wrongfulness of his conduct when he committed the crime. The trial court, then, properly rejected the defendant's insanity defense. We affirm his conviction.

FACTS

Ryan Snow went to his grandparents', James and Constance Bittick's, house on July 29, 2006. Mr. Snow argued with Mr. Bittick after Mr. Bittick told Mr. Snow to help unload a car. Mr. Snow decided minutes later that he was going to kill Mr. Bittick for making him unload the car.

Mr. Snow went inside the house and asked his grandmother to make him a bowl of soup. He then poured Mr. Bittick a glass of soda and took it to Mr. Bittick, who was sitting in a chair in the driveway smoking a cigarette. Mr. Snow handed Mr. Bittick the glass, stepped behind Mr. Bittick, and cut his throat once with a knife he had purchased two days earlier. He immediately left his grandparents' house and drank a glass of wine at a nearby restaurant. He returned to the home about 10 minutes later, called 911, and told the operator that his grandmother was delusional.

The fire department arrived and found Ms. Bittick lucid and surprised to see them. She told a fireman that Mr. Bittick and Mr. Snow were in the backyard and that one of them might have called 911. The fire crew and medics walked into the backyard. They found Mr. Bittick lying face down in a pool of blood and Mr. Snow sitting on the back porch. Mr. Bittick was dead. The wound to Mr. Bittick's neck caused his death.

Mr. Snow was detained and questioned within hours of Mr. Bittick's death. He admitted to detectives that he killed Mr. Bittick by cutting his throat with a knife and

suggested that he knew killing another person was wrong.

Mr. Snow was charged with first degree murder. He pleaded not guilty by reason of insanity. But proceedings were stayed because he was found to be incompetent. A bench trial was eventually held in March 2008.

At trial, the State offered expert testimony that Mr. Snow could tell right from wrong when he killed Mr. Bittick and that he understood the nature and quality of his act at the time of the killing.

The trial judge found Mr. Snow guilty of first degree murder and rejected the insanity defense.

DISCUSSION

Mr. Snow first contends he presented sufficient evidence to prove he was insane when he killed Mr. Bittick. He may have but that is not the test. *State v. Matthews*, 132 Wn. App. 936, 939, 941, 135 P.3d 495 (2006). Reversal is warranted only if the trial judge rejected Mr. Snow's insanity defense and neither the State nor the defense presented any evidence on the question of his sanity. *See id.* at 941.

The question before us, then, is whether the trial judge here could have found that Mr. Snow *failed* to prove insanity. *Id.* To establish an insanity defense, Mr. Snow had to show that, when he killed Mr. Bittick, his mind was so affected by mental disease or

defect that he could not "perceive the nature and quality of the act" or tell that the act was right or wrong. RCW 9A.12.010(1).

The trial court found that Mr. Snow understood the nature and quality of his act and knew killing was wrong when he killed Mr. Bittick:

> [A]t the time the defendant killed Mr. Bittick he understood the nature and quality of his acts and the wrongfulness of those acts.

Clerk's Papers (CP) at 115 (Finding of Fact 23). The court then concluded that Mr. Snow failed to prove he was insane:

> The affirmative defense of not guilty by reason of insanity is rejected.

CP at 115 (Conclusion of Law 3).

We review challenges to the sufficiency of the evidence presented at a bench trial by determining whether substantial evidence supports the challenged findings and whether those findings support the court's conclusions of law. *Madarash*, 116 Wn. App. at 509. We consider the evidence in the light most favorable to the State. *Matthews*, 132 Wn. App. at 941. And we review challenged conclusions of law de novo. *Madarash*, 116 Wn. App. at 509.

In *Matthews*, the State offered expert testimony that the defendant was sane when he shot and killed a police officer. 132 Wn. App. at 942. It also produced lay witness testimony about the defendant's "demeanor, words, and conduct before and after the

shooting." *Id.* The court determined that this evidence was substantial enough to support an inference that the defendant was not insane when he shot the officer, and it affirmed the defendant's first degree murder conviction. *Id.*

Here, the State presented two medical experts. Both testified that Mr. Snow was able to tell right from wrong and understand the nature and quality of his actions when he killed Mr. Bittick. The State's lay witnesses also testified that Mr. Snow spoke rationally and did not appear confused after the incident. The State's evidence shows Mr. Snow knew Mr. Bittick was dead and that he caused Mr. Bittick's death by cutting his throat with a knife. Mr. Snow's statements to detectives and his efforts to hide the crime from Ms. Bittick suggests that he knew that killing is wrong. This evidence supports the challenged finding. *Id.* And that finding, in turn, supports the court's conclusion that Mr. Snow failed to prove he was insane when he killed Mr. Bittick.

Mr. Snow next contends that insufficient evidence supports his first degree murder conviction. Again, we determine whether substantial evidence supports challenged findings and whether those findings in turn support the conclusions of law. *Madarash*, 116 Wn. App. at 509. The essential question, then, is whether any fact finder could have found the elements of first degree murder beyond a reasonable doubt. *State v. Green*, 94 Wn.2d 216, 221-22, 616 P.2d 628 (1980).

Mr. Snow committed first degree murder if, with premeditated intent to kill Mr. Bittick, he, in fact, caused Mr. Bittick's death. RCW 9A.32.030(1)(a). Premeditation is "'the deliberate formation of and reflection upon the intent to take a human life' and involves 'the mental process of thinking beforehand, deliberation, reflection, weighing or reasoning for a period of time, however short.'" *State v. Boot*, 89 Wn. App. 780, 791, 950 P.2d 964 (1998) (quoting *State v. Ortiz*, 119 Wn.2d 294, 312, 831 P.2d 1060 (1992)).

Mr. Snow does not assign error to the court's findings that he killed Mr. Bittick and acted with premeditated intent to cause Mr. Bittick's death. Unchallenged findings are verities on appeal. *Madarash*, 116 Wn. App. at 509. Substantial evidence supports these unchallenged findings, in any event. Detectives testified that Mr. Snow admitted he decided to kill Mr. Bittick a few minutes before cutting Mr. Bittick's throat with a knife. The evidence, then, shows he formed the intent to kill Mr. Bittick before actually doing so. *Boot*, 89 Wn. App. at 791. And the wound Mr. Snow inflicted on Mr. Bittick resulted in Mr. Bittick's death. A fact finder could have concluded beyond a reasonable doubt on these facts that Mr. Snow committed first degree murder. The court, then, properly concluded that Mr. Snow, with premeditated intent, killed Mr. Bittick.

We affirm Mr. Snow's first degree murder conviction.

A majority of the panel has determined that this opinion will not be printed in the

Washington Appellate Reports but it will be filed for public record pursuant to

RCW 2.06.040.

Sweeney, J.

WE CONCUR:

Schultheis, C.J.

Brown, J.